

sixty years of age, shall be taxed four dollars, for the use of the county," which was lost.

Senator Grace moved the previous question, which was put and carried.

The first question, being the pending amendment of Senator Douglass, was lost by the following vote:

YEAS—Senators Ball, Brady, Burton, Douglass, Martin, McCormick, Thompson, Wortham—8.

NAYS—Senators Blassingame, Brown, Carroll, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Piner, Smith, Stephens, Storey, Terrell—21.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Blassingame, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Smith, Stephens, Storey, Terrell, Wortham—20.

NAYS—Senators Ball, Brady, Brown, Burton, Carroll, Crain, Ford, McCormick, Thompson—9.

The hour for the special order having arrived, to-wit: the committee's substitute for Senate Bills Nos. 2 and 44, "An Act to organize the County Courts in the State, and to define their powers and jurisdiction," was taken up, and, on motion of Senator Piner, the Senate went into Committee of the Whole on the same.

Senator Smith called to the chair.

#### IN SENATE.

Senator Smith, Chairman of the Committee of the Whole, reported that the committee have had under consideration a substitute for Senate Bills Nos. 2 and 44, "An Act to organize the County Courts, and to define their powers and jurisdiction," and had made progress, and asked leave to sit again.

On motion of Senator Burton, the Senate adjourned until Monday at 10 o'clock.

#### TWENTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 22, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by Rev. —.

Journal of Saturday read and adopted.

Senator Ford, Chairman of the Committee on Indian Affairs and Frontier Protection, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Indian Affairs and Frontier Protection have had under consideration House Bill No. 83, "An Act making an appropriation to pay Captain L. H. McNelly's company of volunteer militia for sixteen months' services on the Rio Grande, to July 1, 1876," and recommend that the bill do pass.

JOHN S. FORD, *Chairman.*

On motion of Senator Terrell, George Calhoun, on account of sickness, was excused two days.

Senator Thompson introduced a bill entitled, "An Act to provide for the feeding of the prisoners in the jails of the several counties of the State, by contract."

Read first time and referred to Committee on State Affairs.

Senator Blassingame introduced a bill entitled, "An act to amend an act entitled, 'An Act to regulate the practice of medicine,'" passed May 16, 1873.

Read first time and referred to Committee on State Affairs.

Senator Terrell introduced a bill entitled, "An Act to provide for transcribing county records in certain cases."

Read first time and referred to Judiciary Committee No. 1.

Senator Ripetoe introduced a bill entitled, "An Act allowing fees to Justices of the Peace when sitting as an Examining Court."

Read first time and referred to Judiciary Committee No. 2.

Senator McLeary introduced a bill entitled, "An Act prescribing the times for holding the District Courts in the Twenty-second Judicial District."

Read first time and referred to Judiciary Committee No. 1.

Senator Edwards introduced a joint resolution instructing our Senators and requesting our representatives in Congress to ask for protection for the frontier, and for compensation for past expenditures by the State in that behalf."

Read first time and referred to Committee on Federal Relations.

Senator Storey introduced a bill entitled, "An Act to make an appropriation to supply a deficiency in the appropriation for postage, to be used in the office of the Secretary of State, for the fiscal year ending August 31, 1876."

Read first time and referred to Committee on Finance.

Senator Storey, by leave, submitted the following report from the Committee on Finance:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Finance have had under consideration Senate Bill No. 105, "An Act to amend an act entitled, 'An act to ascertain the amount due the teachers of public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same,'" approved April 27, 1874; and I am instructed to report the same back, with a recommendation that it do pass.

STOREY, *Chairman.*

Senator McCormick moved to take up the motion, made by Senator Hobby on Monday last, to reconsider the vote by which the Senate ordered the engrossment of Senate Bill No. 122, "An act to fix the salaries of special judges, and to prescribe the rules for paying the same."

Motion to reconsider prevailed.

Senator McCormick offered the following amendment:

"*Provided*, at least one hundred dollars shall be allowed any special judge appointed by the Governor."

Senator Ledbetter offered the following as a substitute for the amendment offered by Senator McCormick:

Strike out in line 7 all after the words, "shall receive," and insert the following words, "the same pay as District Judges for every day they may be necessarily occupied in going to and from the place where he may be required to hold court, as well as the time he is actually engaged in holding court."

Senators Guy, Smith, and Storey asked to be excused from voting, on the ground that they had been appointed special judges in certain cases."

Granted.

The substitute offered by Senator Ledbetter was then adopted by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCulloch, Moore, Motley, Piner, Stephens, Thompson—18.

NAYS—Senators Brown, Burton, Crain, Hobby, McLeary, McCormick, Ripetoe, Terrell—8.

Senator McLeary offered the following amendment to the substitute as adopted:

After the word, "court," in line 10, strike out the remaining words and insert, "as well as the time he is necessarily detained at the county seat for the purpose of holding court."

Lost.

The substitute was then adopted, as an amendment, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, Moore, Motley, Piner, Stephens, Thompson—17.

NAYS—Senators Brown, Burton, Crain, Hobby, McLeary, McCormick, McCulloch, Ripetoe, Terrell—9.

Senator Edwards offered the following amendment:

Insert in Section 1 after the words, "may be," the words, "or may have been heretofore."

Adopted.

The bill, as amended, was then ordered engrossed.

The hour having arrived for the consideration of Senate substitute for Senate Bills Nos. 2 and 44, said substitute being entitled, "An Act to organize the County Courts and define their powers and jurisdiction," it was taken up.

On motion of Senator Piner, the substitute was recommitted to Judiciary Committee No. 2.

On motion of Senator McLeary, the rules were suspended, and Senate Bill No. 23, "An Act to regulate the appointment and define the duties of Notaries Public," was taken up and read second time.

Senator Hobby in the chair.

Senator McLeary offered the following amendment:

Strike out the preamble and insert, "whereas, an emergency exists which makes it necessary that a sufficient number of Notaries Public shall be immediately appointed in each of the counties of this State, to transact all the notarial business thereof, therefore."

Adopted.

Senator Storey offered the following amendment:

Amend Section 1 as follows: Strike out all after the word, "not," in line 6, down to the word, "who," in line 10.

Senator Edwards offered the following amendment to the amendment:

Add to the end of the amendment of Senator Storey the words, "less than five nor more than twenty in each county."

Accepted by Senator Storey.

Senator Smith offered the following as a substitute for the amendment offered by Senator Storey:

Amend Section 1 by striking out all after the word, "State," in line 6, and the word, "who," in line 10, and insert in lieu thereof, "not less than ten, nor more than twenty in each county in this State."

Lost.

The amendment of Senator Storey was then adopted.

Senator Smith offered the following amendment:

Amend Section 1, line 14, by inserting after "entry," the words, "and in each Justice's precinct."

Senator McLeary offered to amend Section 1, line 10, by inserting the word, "two," in the blank.

Adopted.

Senator Edwards moved to strike out Section 10.

Senator Douglass offered the following as a substitute for the motion of Senator Edwards:

In Section 2, line 6, strike out the word, "shall," and insert the word, "may."

Lost.

Senator McLeary offered the following amendment as a substitute for the motion of Senator Edwards:

In Section 2, line 2, after the word, "apply," insert the words, "or be proposed."

Adopted by the following vote:

YEAS—Senators Burton, Ford, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Thompson, Wortham—15.

NAYS—Senators Ball, Blassingame, Brown, Carroll, Douglass, Edwards, Grace, Ledbetter, Motley, Ripetoe—10.

Senator Douglass offered the following amendment:

In Section 2, line 6, after the word, "qualified," strike out, "shall," and insert, "he may."

Adopted.

Senator Ball offered the following amendment:

Amend Section 11, line 3, by inserting after the word, "law," the words, "to attest the oath of any person to a petition or answer in any suit, and when so attested, shall be valid in all the courts of the State."

Adopted.

Senator McLeary offered the following amendment:

Amend Section 6, line 5, by inserting after the word, "margin," the words, "the blank to be filled with the name of the county for which the officer is appointed."

Adopted.

Mr. President in the chair.

Senator Ledbetter offered the following amendment:

In Section 4, line 8, insert the words, "five hundred."

Lost.

Senator McLeary moved to fill blank in Section 4, line 8, with the words, "one thousand."

Senator Edwards offered as a substitute, the words, "two thousand."

Lost.

The amendment of Senator McLeary was then adopted.

Senator Thompson offered the following amendment:

In Section 5, line 8, insert after the word, "county," the words, "or the precinct."

Adopted.

Senator McLeary offered the following amendment:

Amend Section 7, line 5, by striking out, "County Recorder," and inserting, "County Clerk."

Adopted.



Senator McLeary offered the following amendment:

Amend Section 7, line 11, by inserting after the word, "conveying," the words, "or charging."

Adopted.

Senator Thompson offered the following amendment:

In Section 6, line 12, after the word, "county," strike out the remainder of the section.

Adopted.

Senator Edwards moved to strike out Section 14.

Lost.

Senator Burton offered the following amendment:

Fill the blanks in Section 17, lines 7 and 8, with the words, "one hundred," in line 7, and the word, "twenty-five," in line 8.

Adopted.

Senator Guy offered the following amendment:

In Section 9, line 17, strike out, "grantor," and insert, "grantee."

Adopted.

Senator Guy offered the following amendment:

Amend Section 9, line 19, by striking out, "grantor," and inserting, "grantee."

Adopted.

Senator Thompson offered the following amendment:

In Section 18, line 2, before the word, "dollars," strike out the word, "two," and insert, "one."

Senator Francis offered the following amendment as a substitute for the amendment offered by Senator Thompson:

Strike out, "two dollars," and insert, "fifty cents."

Lost.

The amendment offered by Senator Thompson was then adopted.

Senator McLeary moved to reconsider the vote by which the motion of Senator Edwards to strike out Section 14 was lost.

Carried.

Senator Edwards then renewed his motion to strike out Section 14.

Motion carried.

The bill, as amended, was then ordered engrossed.

Senator McLeary moved a suspension of the rules to put the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Thompson, Wortham—26.

NAYS—None.

The bill was read a third time and passed.

The President of the Senate, after reading the caption, signed Senate Bill No. 36: "An Act to provide for the manner in which publication of notice of intention to apply for the passage of a local or special law, and proof of such publication, shall be made."

Senate Bill No. 19, "An Act to prescribe the order of determining cases in the Supreme Court," was taken up.

Senator Ripetoe moved to adjourn until 10 A. M. to-morrow.

Lost.

On motion of Senator McLeary, the bill was postponed until 11 A. M. to-morrow.

Senator Grace, Chairman Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, May 22, 1876.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled Senate Bill No. 36, entitled: "An Act to provide for the manner in which publication of notice of intention to apply for the passage of a local or special law, and proof of such publication shall be made." The same has been properly signed and presented to the Governor this day at 12:40 o'clock P. M., for his approval.

GRACE, *Chairman.*

Senator Brown moved to suspend the rules to take up a resolution from Judiciary Committee No. 1 in regard to sending for persons and papers in the matter of the memorial of Messrs. Merrick & Durant.

Lost.

Senate Bill No. 61, "An Act to divide Young and Bexar Territories into counties, and defining the boundaries thereof, and of certain other counties therein named," was taken up.

Senator Moore moved to adjourn until 10 A. M. to-morrow.

Lost.

Senator Thompson moved to insert the word, "Alamo," in place of the word, "Spence."

Senator Grace offered as a substitute to insert the name of, "Wright."

The substitute was adopted.

Senator Edwards moved that the bill be recommitted.

Senator Stephens made the point of order that a motion to amend had the precedence of a motion to recommit.

Point of order sustained.

Senator Ford moved to strike out the word, "White," as the name of one of the counties, and insert the words, "Deaf Smith."

Senator Crain moved as a substitute to insert the word, "Alamo."

Lost.

The amendment offered by Senator Ford was then adopted.

On motion of Senator Crain, the Senate adjourned until 10 A. M. to-morrow.

### THIRTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 23, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. Mr. Stanton, Chaplain of the House.

Journal of yesterday read and adopted.

On motion of Senator Storey, Senator J. R. Henry was excused on account of sickness.

Senator Blassingame, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Roads, Bridges and Ferries, to whom was committed Senate Bill No. 84, entitled, "An Act authorizing the Court to provide for and regulate the construction and